

MINUTES

TOWN OF MIAMI

REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, SEPTEMBER 8, 2014 AT 6:30 PM

1. CALL TO ORDER:

Mayor Castaneda calls meeting to order at 6:30 pm.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Castaneda led the pledge of allegiance, followed by Councilmember Baeza leading the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Castaneda, Vice Mayor Hanson, Councilmember Baeza, Councilmember Black, Councilmember Dalley, Councilmember Gonzales and Councilmember Reiman.

STAFF PRESENT: Town Manager Heatherly, Town Attorney Smiley, Town Clerk Norris, Librarian Delvan Hayward, Engineering Department Paul Curzon, Public Works Director Sukosky, Senior Center Director Rashele Highbaugh and Police Chief Gillen.

4. CONSENT AGENDA:

- A.** Consideration and possible action to approve Minutes of August 25, 2014 Special Council Meeting.
- B.** Consideration and possible action to approve the Town Payroll for August 21, 2014 to September 3, 2014.

Councilmember Dalley motioned to approve the consent agenda. Motion seconded by Vice Mayor Hanson. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

- A.** Consideration and possible action to approve General Demands for August 21, 2014 to September 3, 2014.

There were several questions from Councilmembers regarding additional information on demands that were paid. Rachelle explained each one. Councilmember Reiman asks for clarification as to why the balances do not match. Rachelle states that they are supposed to match and she will investigate that and report back to Council. Councilmember Gonzales requests that Rachelle provide him with copies of all voided checks. Rachelle states that she will provide those for him. Vice Mayor Hanson motioned to approve General Demands for August 21, 2014 to September 3, 2014 to include the correction to make the totals on the report match. Motion seconded by Councilmember Baeza.

Mayor Castaneda calls for the vote. Vote 6 in favor and 1 member opposed (Councilmember Reiman). MOTION PASSED.

6. REPORTS / RECOGNITIONS:

A. Department Reports.

Public Works Director, Wes Sukosky reports on the problems he has been having with pump number 1, comments that the alarms have been going off a lot and constantly having to go out and reset them, gives a brief update on the wastewater treatment plant and that they have been hauling off sludge, reports on the garbage truck and issues with picking up garbage/bulk garbage without the garbage truck, gives a brief update on cleanup of the streets and closing and winterizing of the pool.

Engineering Department, Paul Curzon reports that he was out last week on vacation, comments briefly on the easements for Phases 3-5, reports that he has been training and working with Jayme Richins on Code Enforcement issues, updates Council on an incident on one of the historical bridges and is working with the Town Manager on that issue, still working on warning and regulatory signs for the Town and will be attending a meeting on Wednesday regarding the retaining walls.

Senior Center, Rashele Highbaugh reports on statistics and activities. Reports that Ann Kirkpatrick visited the Center and they had a good turnout. They will be holding a flu clinic Wednesday the 10th and are still working on the Meals on Wheels fund raiser.

Police Department, Police Chief Gillen reports on statistics and activities.

Library, Delvan Hayward reports on library statistics and activities. Reports on donation of new books and that the large print selection has been refurbished. Delvan gives a brief update on the theft of Jonathan Valdez's bike that was stolen out of the library lobby. Reports they have had a few small incidents of vandalism in the lobby and restrooms. September is National Library Card Month. Delvan reports on the donation of leather collector item book collections, some of which are signed.

B. Town Manager Report.

Town Manager Heatherly reports there will be a Wastewater Advisory Board Meeting on the 18th. Reports that he has been working with CAG and ADOT for a RFQ for the Street Improvement Project. Reports that he met with Bank of the West to resolve some of the Town's banking issues. Announces Fiesta is this Saturday. Town Manager Heatherly requests that Council with requests for information or any direction for staff to go through him.

C. Mayor/Council Reports.

Mayor Castaneda comments regarding Town Manager Heatherly's weekly reports to Council; she is pleased with that. Comments briefly regarding the issues with the historical bridges within the Town of Miami; working to get speed and weight limit signs on the bridges.

Vice Mayor Hanson announces Fiesta this weekend and invites everyone to come out and enjoy it. Councilmember Dalley comments regarding Ann Kirkpatrick having to reschedule the renaming of the Miami Post Office due to an error on her part; they are working to resolve it but it may take several

months. Reports that Ann Kirkpatrick did visit the Veterans Memorial Park and she was very pleased with it.

7. CALL TO THE PUBLIC:

Mr. Elvin Fan, Tri City EMP Alliance, reads a statement regarding their goal to have emergency shelters throughout the communities and encourages the Town Council and community to be involved in this effort.

Mr. Angel Medina – Miami resident – comments regarding the flags and flag etiquette. Mr. Medina comments regarding the issue that took place at the Senior Center with the Mexican flag being taken down.

Mr. Richard Canizales – Miami resident – comments regarding cleaning up of the streets after the storm. Mr. Canizales states that his father cleaned up the street that he lives on and presents the Town with an invoice for his father cleaning up and fees incurred.

Mrs. Suzanna Hurtado – Miami resident and Senior Center employee – comments that she wants to set the record straight - there was not a Mexican flag hung up at the Senior Center, it was two red, white and green handkerchiefs. They were put up to celebrate the upcoming Fiesta celebration. It was not the intention to offend anyone. She was offended when it was taken down. Mrs. Hurtado comments regarding being proud of her heritage.

Ms. Carmen Lopez – Miami resident – comments regarding this being a nation of immigrants and there should be no shame in whatever flag you want to fly; this is a land of freedom.

Mr. Albert Porto – Claypool resident – comments that he is here in defense of the family that was offended by what his brother said; people should not pay much credence to his comments.

Mr. Kyle Short comments that he arrived late and does not know the full spectrum of the flag issue but feels it should be encouraged to allow flags of all kinds to be hung up. People should be able to be happy and allow their thoughts to wave freely.

Ms. Marivale Hurtado - Miami resident – comments regarding it being National Hispanic Heritage Month. States that she does not understand how this would offend anyone, they are Hispanic and will put up their flag.

8. UNFINISHED BUSINESS:

9. NEW BUSINESS:

- A. Information, discussion and possible action:** To approve Resolution No. 1152; canvassing the election, declaring and adopting the results of the Primary Election held on August 26, 2014.

Vice Mayor Hanson motioned to approve Resolution No. 1152; canvassing the election, declaring and adopting the results of the Primary Election held on August 26, 2014. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 7 in favor. **MOTION PASSED.**

- B. Information, discussion and possible action:** To approve the Certificate of Facts Requiring Recount pursuant to A.R.S. §16-1662 due to the equal number of votes cast for and against Proposition 402 to approve a permanent adjustment to the Town's base expenditure limitation in the primary election held on August 26, 2014.

Vice Mayor Hanson motioned to approve the Certificate of Facts Requiring Recount pursuant to A.R.S. §16-1662 due to the equal number of votes cast for and against Proposition 402 to approve a permanent adjustment to the Town's base expenditure limitation in the primary election held on August 26, 2014. Mayor Castaneda calls for the vote. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

- C. Information, discussion and possible action:** To approve request from Miami High School to use Sullivan Street and Miami Veterans Memorial Park for a Homecoming Parade on Friday, October 24, 2014, 12:00 p.m. to 3:00 p.m. and to provide traffic control and barricades as deemed necessary by the Miami Police Department.

Miss Calliandra Williams and Miss Emily Barela of the Miami Student Council present this request to Council. Miss Willams and Barela thank Council and Town staff for all the hard work to repair and clean the pool for Vandal Bash. At this time they are requesting permission to use Sullivan Street and the Miami Veterans Memorial Park for the Homecoming parade. Councilmember Black motioned to approve request from Miami High School to use Sullivan Street and Miami Veterans Memorial Park for a Homecoming Parade on Friday, October 24, 2014, 12:00 p.m. to 3:00 p.m. and to provide traffic control and barricades as deemed necessary by the Miami Police Department. Motion seconded by Councilmember Dalley. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

- D. Information, discussion and possible action:** To approve Resolution No. 1151, supporting the continuation of the 2014 Gila County 1/2 Cent Transportation Excise Tax.

Town Attorney Smiley clarifies that this resolution is actually in support of the County sending this tax question to the voters; it is not in favor or opposition of the tax itself. Brief discussion regarding the history of this tax and how the tax will be distributed amongst the communities in the county. Councilmember Black questioned if the tax money will be part of HURF Funds. Town Manager Heatherly states that it will not, it will have its own account. Vice Mayor Hanson motioned to approve Resolution No. 1151, supporting the continuation of the 2014 Gila County 1/2 Cent Transportation Excise Tax. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

- E. Information, discussion and possible action:** To discuss issues with and improvements to fire protection services for the Town of Miami and possible direction to staff to work with Fire Chief Al Gameros.

Mayor Castaneda comments regarding there being a great deal of concern in the town regarding fire protection service. Globe Fire Chief Al Gameros has done a great job in assisting the Town of Miami and has some ideas regarding improving the fire protection services to the residents. Chief Gameros comments regarding the City of Globes contract with the Town of Miami for fire protection service;

they feel it is the right thing to do and could not leave the Town of Miami without service. Chief Gameros comments regarding the struggles the town has faced trying to maintain fire protection service for its residents. Comments regarding the Town of Miami needing to take ownership and resolving its issues with Tri-City; possibly trying to form one fire district so that no one is left without service. Chief Gameros would like to hold a community work shop to get ideas and volunteers to rejuvenate the Town of Miami's fire department. Comments regarding taking pride in the Town of Miami. The work shop will be just a public meeting to get communication from the public. Globe Fire Chief Gameros will host the meeting.

F. Information and discussion: Regarding potential annexation by the Town of Miami Town of property located from the eastern Town Limits to New Street.

Councilmember Dalley presents this item to Council. Councilmember Dalley states that he has reviewed some prior Council minutes regarding the Town's desire to annex and Council also discussed annexation in its Council retreat. Councilmember Dalley asks Town Attorney Smiley to review the annexation process with Council. Town Attorney Smiley explains the annexation process. Brief discussion regarding strip annexing and whether or not it is still legal to do. Councilmember Dalley comments that the Town of Miami has sewer lines to offer to the businesses in the possible annexation area. Councilmember Reiman states that he feels a work session would be in order to start discussions on this issue. Brief discussion regarding taking a poll of property owners before starting this process. Council directs Town Manager Heatherly to schedule a work session to explore the possibility of annexing.

G. Information, discussion and possible action: To review managerial contract between Miami Genesis and Town of Miami for Bullion Plaza Gym.

Councilmember Black presents this item to Council. Councilmember Black states that he has prepared a packet for the Council with information regarding this item. He has provided Council with a copy of the contract with Miami Genesis. Then he provided copies of the billing from Genesis to the Town of Miami for services. He has also provided copies of the rental contracts and receipts for all the rentals of the gym and has provided copies of those to Council also. He also provided a copy of the Event Agreement Rules. Councilmember Black has provided a spreadsheet of his findings that he made according the contracts, receipts provided and rental rules. Councilmember Black reviews his spreadsheet and findings with Council. The spreadsheet shows what the event should have been billed for, what the event was billed for and last, what the Town lost because it was not billed correctly. Councilmember Black states that according to records provided, the Town should have received \$5,200.00 and according to Genesis receipts, they turned in \$3,000.00. Genesis invoices show that they took in \$3,800.00. His figures show a total loss to the Town as \$2,200.00 and Genesis billed the Town \$1,300.00. Councilmember Black states that he could not determine if the Town paid Genesis the \$1,300.00. Councilmember Black comments that the Town staff could not supply him with receipts or documentation regarding the rentals because Genesis holds all the records. Councilmember Black states that is a violation; the Town should keep all the records of any transactions done in the Town. Councilmember Black states that in the end the total for the Town was \$1,680.00. Councilmember Black states that nowhere in the contract does it state that Genesis gets to keep the cleaning deposit; overall Genesis billed the Town \$1,320.00 what they should have billed the Town was \$635.00. Councilmember Black states they overbilled \$685.00. Councilmember Black points out several violations of the contract in relation to booking events, rental forms and contracts, cleaning services. Councilmember Black states that Genesis claimed that they cleaned the

gym, but on 3 occasions Town staff actually cleaned the gym. Also, overbilling for services by Genesis. Mayor Castaneda states that she would like to meet the staff that went in and cleaned the gym. Councilmember Black states that Public Works Director Sukosky will verify that they did clean the gym on 3 occasions, unfortunately he is called out on an emergency at the moment. Mayor Castaneda states that the Genesis Group cleans that building every single time. Councilmember Black states that he put this on the agenda for discussion and action, he is not making a motion at this time, but his action would be to turn this back over to the Town. Councilmember Black states that the Town staff can handle the management of the gym. Vice Mayor Hanson states that she would like to propose that Genesis stay managing the gym. Councilmember Black states that as a member of Genesis, Vice Mayor Hanson should recuse herself. Vice Mayor Hanson states she is proposing that the Council agree to have a professional accountant, could be a qualified member of staff, to look at the spreadsheet Councilmember Black presented and Genesis records to confirm that the information presented by Councilmember Black is false and dummed up. Vice Mayor Hanson points out parts of the information presented by Councilmember Black that she feels is incorrect. Mayor Castaneda gives a brief history of Genesis part in managing the gym prior to the contract being awarded to them. Mayor Castaneda explains that before the contract was awarded Genesis did not even have a rate scale to know what to charge renters. Mayor Castaneda points out that Genesis also maintained the gym during the Youth Basketball League season, which was used at least 3 times a week for 2 and a half months **[at the Special Council Meeting of 09/22/14 Mayor Castaneda requested a correction be made to what she stated as the length of time the Youth Basketball League used the gym – it was not 2 and a half months – it was used at least 3 times a week for 7 weeks]** and did not receive any money, nor did they ask for any money for their work. Councilmember Black states what he based his numbers on are the 11 contracts for the rental of the gym that he has copies of. All the numbers, figures come just from the contracts. Councilmember Black states that as you go through the contracts, the contract that the Town has with Genesis states when someone rents the gym they will pay a \$200.00 or \$400.00 fee and a cleaning fee. It also states they will pay a \$400.00 and a \$400.00 cleaning fee. In the majority of the contracts the money was not collected for the cleaning fee other than \$100.00 that the Town keeps. It also states in the contract that the money should be turned into the Town and the Town will issue a check after Genesis tells them how much. The Town has not issued one check on the reimbursement for cleaning the whole time Genesis has been running the gym. Mayor Castaneda states that after an event, which is usually a Sunday evening, she is called to go inspect the gym ... using a quinceanera as an example ... \$400.00 is rental and \$400.00 is cleaning, if the gym is clean and passes inspection, they get \$300.00 back. Mayor Castaneda explains that she keeps that money in cash, simply because the people want their refund money and don't want to wait for the Town to issue the deposit back to them. Mayor Castaneda states that she had this approved by Town Manager Barnes and now Town Manager Heatherly. Genesis keeps the \$100.00 because no matter how well the people clean the gym, they still have to go in and clean to standard the bathrooms and the kitchen. Councilmember Black refers back to the contract and specifics of what the contract requires. Mayor Castaneda comments regarding comments made about who will be managing the gym, the concern was that they wanted to be reassured that it would be kept up and maintained. Vice Mayor Hanson gives direction to Town Manager Heatherly to have qualified staff to look at this paperwork submitted by Councilmember Black and report back to Genesis. Councilmember Reiman states that in reviewing the paperwork presented by Councilmember Black, it has surfaced some valid issues in regards to the contract, some of it is just not clear in regards to rates being charged. Councilmember Reiman states that he sees some issues that need to be addressed and resolved one way or the other.

10. CALL TO THE COUNCIL:

Vice Mayor Hanson comments regarding the Hurtado family, she states that they are wonderful and have helped with Fiesta for many years, volunteering time and items related to the Fiesta event. Vice Mayor Hanson states that it is very much appreciated.

Mayor Castaneda invites everyone to come to the Fiesta celebration; it's really a fun and wonderful event.

Councilmember Dalley states that he is going to talk to the Town Attorney and Town Manager to see if it would be allowable for him to purchase some American flags and Mexican flags, in celebration of Hispanic Heritage Month, to put on the tables at the Senior Center

11. ADJOURNMENT:

Councilmember Dalley motioned to adjourn the meeting. Motion seconded by Vice Mayor Hanson. Mayor Castaneda calls for the vote. Vote - 7 in favor. MOTION PASSED.


Meeting adjourned at 8:27 p.m.

CERTIFICATION:

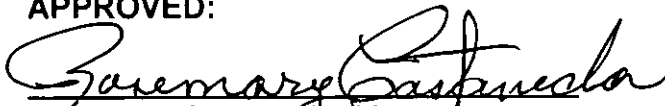
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular meeting of the Town Council of the Town of Miami, AZ held on the 8th day of September 2014.

I further certify that the meeting was duly called and that a quorum was present.

DATED this 22nd day of September 2014.


Karen Norris, Town Clerk

APPROVED:


Rosemary Castaneda, Mayor